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REMARKS

Status Summary

In this Amendment, no claims are canceled, and claims 38-40 are added. Therefore, upon entry of this amendment, claims 1-40 will be pending.

Claim Objections

Claim 22 was objected to as containing informalities. Claim 22 has been amended as requested. Accordingly, the objection to claim 22 should now be withdrawn.

Claim Rejection - 35 U.S.C. § 103

Claims 1-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,937,412 to Kohli, et al., hereinafter referred to as "Kohli", in view of U.S. Patent Application No. 2002/0054587 to Baker, et al., hereinafter referred to as "Baker". This rejection is respectfully traversed.

Independent claims 1 and 17 respectively recite a method and a system for dynamic rules-based peg counting. In independent claims 1 and 17, signaling message site collectors generate peg counter instances by comparing monitored signaling messages received by the site collectors to existing peg counter definitions. Each peg counter instance includes an accumulator indicating a number of signaling messages that match one of the existing peg counter definitions and an identifier for identifying the associated peg counter definition. When new peg counter definitions are received, the site collector switches to the new peg counter definitions on the fly and generates peg

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counter instances based on the new peg counter definitions. Thus, both claims 1 and 17 recite generating peg counters that count a number of signaling messages received by each site collector that match predetermined peg counter definitions and for dynamically switching to and using new definitions.

There is absolutely no teaching or suggestion in Kohli or Baker of generating any peg counters that include counts of received signaling messages or any method for switching to such peg counters on the fly. The Official Action correctly notes that both Kohli and Baker discuss peg counters. However, the term "peg counters" in Kohli and Baker do not refer to peg counters that count received signaling messages as claimed. For example, Kohli states:

> The peg counters 82 are counters used by the service logic program 70 to time functions and operations of the service. (See column 4, lines 45-47 of Kohli.)

The above-quoted passage from Kohli indicates that peg counters are used to time functions and operations of service logic programs 70. Each service logic program 70 is defined as a set of instructions on how a call will proceed. (See column 4, lines 9-10 of Kohli.) Thus, according to Kohli, peg counters are counters that time operations and functions of programs that control call processing. There is absolutely no teaching or suggestion of any peg counters that count signaling messages received by site collectors in a network. Accordingly, Kohli fails to teach or suggest generating peg counter instances that accumulate counts of signaling messages as claimed.

Baker likewise fails to teach or suggest generating peg counter instances where each peg counter instance includes a count of received signaling messages as claimed.

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Baker, like Kohli, includes a definition of peg counter that is different from a peg counter instance that counts received signaling messages. For example, Baker states:

> Peg counts generally refer to a number of times an action or a condition occurs. (See paragraph [0016] of Baker.)

From the above-quoted passage, Baker teaches a general definition of peg counters, which does not suggest counting a number of received signaling messages. Baker is directed to a web-based workstation that controls a call center and that routes toll free calls. (See Abstract of Baker.) There is absolutely no teaching or suggestion anywhere of generating peg counts that include accumulators that count received signaling messages. Accordingly, because Baker and Kohli fail to teach generating peg counter instances where each peg counter instance includes a count of received signaling messages, the rejection of claims 1, 17, and their respective dependent claims should be withdrawn for this reason alone.

Moreover, even assuming for the sake of argument that Baker or Kohli teaches a definition of "peg counter" that includes counting a number of received signaling messages, the combination of Baker and Kohli still fails to teach or suggest switching to and using new peg counter definitions on the fly. Kohli is directed to a method for packaging service logic programs for distribution to a telecommunications network. According to Kohli, peg counters are stored in a packaging file along with a service logic program. (See Figure 2 steps 200 and 222 of Kohli.) However, the processing described in Kohli ends with the saving of the packaging file at service creation equipment 26 illustrated in Figure 1 of Kohli. There is absolutely no teaching or suggestion of how the peg counters or the packaging file is distributed to any network

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nodes, not to mention signaling message site collectors, or how the peg counters in a particular packaging file are used to replace existing peg counters. Because Kohli indicates that the peg counters are packaged with a new service logic program, it is respectfully submitted that Kohli would require that the new service logic program be loaded by the receiving node before it could be executed. Therefore, rather than teaching on the fly updating of peg counters as claimed, Kohli would require the receiving system to load new software to begin using the peg counters, which would not be understood to be on the fly in light of the time normally required to load new software. Accordingly, Kohli fails to teach or suggest switching to new peg counter definitions on the fly as claimed.

Baker likewise fails to teach or suggest switching to and using new peg counter definitions on the fly as claimed. As stated above, Baker teaches a web-based application that controls call routing by a call center. With regard to peg counters, Baker states:

> The present invention also enables customers to view near real time displays of call center ACD statistics and peg counts based on routing rules, as well as, run provisioning and statistical reports on provisioning and statistical data and also to extract the data for further analysis. (See Abstract of Baker.)

In this passage, Baker teaches that peg counters can be viewed in real time, however, there is absolutely no teaching or suggestion of changing or using peg count definitions on the fly as claimed. Viewing peg counters generated by a call center merely involves watching existing peg counter accumulator values; whereas switching to and using new peg counter definitions on the fly would involve loading new peg counters in memory

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and using those peg counters to generate new peg count values. Baker is silent on how peg counter definitions are changed.

Accordingly, because Kohli and Baker fail to teach or suggest of switching to and using new peg counter definitions on the fly as claimed, for this additional reason, it is respectfully submitted that the rejection of claims 1 and 17 and their dependent claims as unpatentable over Kohli in view of Baker should be withdrawn.

Independent claim 28 recites a computer program product that presents a user with a computer based graphical template for defining a peg counter. Independent claim 28 has been amended to emphasize that the peg counter counts signaling messages received by a site collector. The template allows the user to specify parameter values to be extracted from the received signaling messages, values to be compared with the parameter values extracted from the signaling messages, and equations for comparing the extracted parameter values to the specified values. The template further allows the user to input logical operators to combine equations and form a definition for the peg counter.

As stated above, neither Kohli nor Baker discloses a peg counter that counts received signaling messages. Both documents use the term "peg counter" to mean specific counts that are different from counts of received signaling messages. For example, Kohli indicates that a peg counter is used to time the operation of a service logic program, rather than count received signaling messages. Baker indicates that peg counters are used to count a number of times an action or condition occurs, without ever specifying that the action or condition comprises receipt of a signaling message.

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Accordingly, for this reason alone, the rejection of claim 28 as unpatentable over <u>Kohli</u> in view of <u>Baker</u> should be withdrawn.

Moreover, claim 28 recites a graphical user interface that presents a user with a template to receive parameters, equations, and logical operators for defining the peg counter. The only graphical interface described in <u>Kohli</u> is for the packaging tool. (See Figures 4A and 4B of <u>Kohli</u>.) None of the fields in the packaging tool interface in Figures 4A or 4B of <u>Kohli</u> allow a user to define any aspect of a peg counter, not to mention the aspects claimed in claim 28. <u>Baker</u> likewise fails to define a graphical user interface for defining a peg counter. The graphical interface illustrated in Figure 13 of <u>Baker</u> allows a user to view ACD statistical data and control routing of toll free calls (see paragraphs [0144]-[0151] of <u>Baker</u>.) The interface does not include any fields for creating peg counter definitions where the peg counters relate to signaling message parameters. The interface illustrated in Figure 14 of <u>Baker</u> is a system status display that displays system status information, such as CPU usage, and does not relate to counting signaling messages. The interface illustrated in Figure 15 of <u>Baker</u> allows a user to administer an ACD gateway. Administering an ACD gateway involves controlling the routing of calls by a call center. None of the fields illustrated in Figure 15 of <u>Baker</u> relate to peg counts of received signaling messages. Accordingly, neither <u>Baker</u> nor <u>Kohli</u> discloses a graphical interface for allowing a user to create a peg counter definition. Thus, for this additional reason, the rejection of claim 28 and its dependent claims as unpatentable over <u>Baker</u> in view of <u>Kohli</u> should be withdrawn.

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<u>New Claims</u>

New claims 38-40 are added. Support for new claims 38-40 appears, for example, on page 11, lines 15-16 of the present specification. Claims 38-40 are believed to be patentable over the documents cited in the Official Action for the reasons stated above with regard to the corresponding independent claims and, in addition, for the elements recited in these claims.

<u>CONCLUSION</u>

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

<u>If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action</u>.

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DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the

filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: <u>March 8, 2006</u>   By: _____

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